

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS**

IN THE MATTER OF:

THE GLEN MILLS SCHOOLS,

Appellant/Petitioner,

v.

DEPARTMENT OF HUMAN SERVICES,
COMMONWEALTH OF PENNSYLVANIA,

Appellee/Respondent.

Docket No. _____

**APPEAL AND PETITION OF THE GLEN MILLS SCHOOLS
FROM THE MARCH 25, 2019 ORDER FOR EMERGENCY
RELOCATION OF THE DEPARTMENT OF HUMAN SERVICES**

Appellant/petitioner, The Glen Mills Schools (“Glen Mills”), hereby appeals and petitions for relief from the March 25, 2019 Order for Emergency Relocation of the Department of Human Services (a copy of which is attached as *Exhibit A*), under 1 Pa. Code Part II, Chapters 31 to 35, for the reasons below.

INTRODUCTION

For the past 40 years, Glen Mills has been one of the most often visited, regulated, inspected, and scrutinized programs of its kind. It has also been among the most imitated and praised schools of its kind. For all these years, Glen Mills has taken on the challenge of educating and rehabilitating some of this nation’s neediest kids. For all these years, Glen Mills has steadfastly refused to act as a warehouse and sit idly while fundamentally decent kids get

washed down the pipeline to prison. Instead, Glen Mills has offered its students a once-in-a-lifetime opportunity: to get an excellent education and learn to live in society without resorting to violence or delinquency. On a campus that was green and rich with opportunity, Glen Mills has offered its students a path to a future filled with promise and success.

BACKGROUND

A History of Student Success

Glen Mills' history is one of successfully putting students on the right path – including recent success. In the last two fiscal years alone, 319 students passed the GED, 45 earned high school diplomas, and 5 earned Glen Mills diplomas. Eighty-three college scholarships were awarded to 35 students. Significant numbers of students received CPR/AED/First Aid and OSHA Certificates. Ultimately, a full 88% of Glen Mills' students successfully completed the school's program.

In addition to their academic achievements, students performed 17,854 court-ordered community service hours (87% of what had been ordered) as well as 78,705 hours of voluntary community service. And significant numbers of students paid thousands of dollars in court costs and restitution.

A History of Openness, Transparency, and Acclaim

Contrary to recent media coverage, Glen Mills' success has not been built on a foundation of abuse, intimidation, or violence against students. To believe that foundation exists would be to accept that all of the following people who actually visited, toured, and inspected the campus were completely and utterly duped into believing that it was a safe place:

- State inspectors who visited almost every week and who conducted in-depth annual full cite inspections.
- Philadelphia inspectors and additional inspectors from counties across Pennsylvania and others states such as California, Texas, Ohio, New York, Delaware, Maryland, and Michigan.
- Students' probation officers who were on the campus virtually every day who meet with students privately.
- Lawyers, like those from the Public Defender's office in Philadelphia, who have visited their clients on the Glen Mills campus every week for years and interviewed their clients privately but never filed a single complaint with Glen Mills.
- Visiting dignitaries including judges, Congress members, legislators and numerous celebrities.
- Independent substance abuse counselors who, in just the last year, conducted 3,399 private, individual counseling sessions and group counseling sessions with Glen Mills students.
- Independent psychologists who meet with and interview every student privately and who conduct ongoing private counseling sessions with students.
- An independent child psychiatrist who conducts private individual sessions with students.
- Dentists and dental center employees who also conduct private treatment sessions with students.
- Independent doctors and employee nurses who conduct daily examinations and treatment for students.
- Non-employee independent living workers who conduct private meetings with students.
- Independent members of the clergy who come to campus and meet privately with students.
- Independent non-employee tutors from area colleges and universities such as West Chester University, St. Joseph's University, Villanova University, Drexel University, who come to Glen Mills to assist students in their studies.

- Reading, speech, and language therapists from the Chester County Intermediate Unit (CCIU) who meet privately with students for these services.

In addition to these regular daily meetings and sessions, in the last 18 months alone, Glen Mills has been formally visited, inspected, and reviewed more than 150 times by different outside entities, including numerous states and counties. Up to and through the end of February 2019, those entities sent trained professional evaluators who privately interviewed almost 700 students. Until recent media coverage, none found a basis for concluding that a culture of daily violence was somehow hidden on the Glen Mills campus.

In addition to the professionals and dignitaries listed above, Glen Mills has openly and actively invited an astounding array of professional entities to come to its campus and closely examine the question of programming excellence and student safety on the Glen Mills campus. These have included:

- The *Pennsylvania Juvenile Court Judges Commission*, which recognized Glen Mills as the Residential Program of the Year in 2000 and Community Based Program of the Year 2009.
- The *Commission on Accreditation of Rehabilitation Facilities* ("CARF"), an internationally-recognized and respected independent agency that certifies the excellence of programs serving children. Glen Mills achieved CARF accreditation in 2018.
- *Allegheny County*, which recognized Glen Mills as its Program of the Year in 2017.
- *The Pennsylvania Department of Education*, which named Glen Mills a "Distinguished Institution" for the 2015-16 school year.
- *The Middlestates Commission on Higher Education*, a nationally-recognized independent agency that defines, maintains, and promotes educational excellence across degree-granting educational institutions with diverse missions, student

populations, and resources. Middlestates examines each institution as a whole, rather than specific programs within institutions. In 2018, Middlestates accredited Glen Mills as a member.

- *Positive Behavioral Supports and Interventions (“PBIS”)*, a federally-sanctioned and funded program that examined the school’s programs to implement non-violent, positive interventions to address student behavior. Glen Mills achieved Tier I recognition from PBIS on its first evaluation in 2017 – the first school of its kind in the nation to do so. Glen Mills achieved Tier II PBIS recognition in 2018 – again, the first school of its kind to do so.
- *United States Department of Justice*: The DOJ visited Glen Mills in 2012 following an alleged complaint, without disclosing the nature or content of the complaint. DOJ spent the next 4 years inspecting and examining every corner of the Glen Mills campus, including multiple on-campus inspections that included teams of nationally-esteemed children’s rights lawyers, child welfare professionals, and nationally recognized experts in education. After four multi-day visits, reviews of thousands of student records, and private interviews conducted with dozens of students, DOJ left Glen Mills in July 2016 and never announced a single finding that a single student’s rights had been violated in any way.
- *Prison Rape Elimination Act Auditors (“PREA”)*, independent, trained professionals auditors/evaluators charged by the federal government with responsibility to certify that prisons and juvenile justice programs are safe and in compliance with the requirement of the federal law of the same name. PREA auditors examined Glen Mills for the first time on 2015. The auditors were so impressed by the safety culture they observed at Glen Mills that they closed their audit a day early and declared that “all juveniles interviewed felt comfortable and safe.” The PREA auditors confidently certified Glen Mills as safe and fully compliant with an extensive array of mandates designed to assure student safety in all areas of the campus at all times of the day and night.

Glen Mills had nothing to hide and welcomed these entities to conduct their reviews.

This was because Glen Mills is a safe place for its students – as confirmed by CARF, PBIS, PREA, Middlestates, and all of the jurisdictions that visited the campus every day for 40 years.

Unlike some high schools, at Glen Mills, students do not enter through metal detectors. Instead, they learn in a safe environment without threats from gangs and drugs. Students can attend as many as 23 different vocational training programs and can compete on nationally-recognized sports teams. These kids are given opportunities they may not be able to find in their home communities, and the chance to dream – realistically – about a better life. It is no wonder, then, that Glen Mills has earned the nickname “the Harvard of Reform Schools.”

Glen Mills Passes the Department’s Own Inspections

Now, however, the Department of Human Services is threatening to end these dreams by ordering the removal of all students from Glen Mills. The Department asserts that, somehow, Glen Mills has managed to fool all of the trained, experienced, and caring professionals who visited the campus and that it secretly maintained a culture of cruelty and daily violence right under all of their noses. No credible evidence supports the Department’s action.

The Department’s own recent inspections confirm this. In 2018, the Department conducted an extensive, multi-day, on-campus inspection and found the following violations:

1. Lincoln Hall – one violation – saline solution in a First aid kit was expired
2. Madison Hall – one violation – staff had not signed a medical administration log on one day
3. Van Buren Hall – one violation – 1 staff person’s file lacked a copy of a diploma
4. Buchanan Hall I – 1 violation – a first aid kit had expired ointment
5. Buchanan Hall II – 1 violation – 1 student’s parents were not properly invited to one planning meeting

6. McKinley Hall – 2 violations – the water heater was set at 123° instead of 120°, and on one day, a student’s medication log did not record that he received his medications
7. Jackson Hall – 1 violation – 1 student’s expired medication had not been disposed of
8. Chester Arthur Hall – 1 violation – one first aid kit had expired eyewash
9. Johnson Hall I – 1 violation – aspirin in a first aid kit was expired
10. Johnson Hall II – 4 violations: 1 staff person’s file lacked a copy of a diploma; on 2 days, staff had not logged delivery of medication properly; a refrigerator was set at 45° instead of 40°; and 1 staff person had gone through the state’s child abuse recognition training late, though s/he had received Glen Mills’ training.
11. Tyler Hall – 2 violations – 2 staff employee files lacked copies of their diplomas; a soap dispenser was broken.
12. Taylor Hall – No violations

Notably, during its inspection, the Department interviewed a random sampling of students and staff. Those interviews resulted in no findings of the nature the Department now purports to make. Indeed, following its inspection, the Department issued Glen Mills a full license (*i.e.*, a certificate of compliance).

The previous year’s inspection findings were equally inconsequential. In 2017, the Department also conducted a full on-campus inspection and found similarly minor issues, including: too much lint in a dryer vent; a water heater unit set 6° too high; a few ripped sofa and chair cushions; an expired bottle of eyewash; and a trash can missing its lid.

As these inspection results show, the Department conducted detailed and exacting inspections. The Department’s inspectors were so thorough, so searching, and so comprehensive in their work that they checked for excess dryer lint, missing trash can lids, and eyewash

expiration dates. But now the Department says its very same inspectors totally missed a longstanding pattern and practice of physical abuse of students at the hands of the staff.

Individual Student Outcomes

Glen Mills has never claimed that it can guarantee success in every case and with every student. Not every student embraces or loves the experience he has on campus. Glen Mills' students come primarily from tough homes and sometimes even tougher neighborhoods. Many come burdened with family trauma, the effects of failing or failed schools, gang affiliations, and histories of multiple run-ins with the law. For many students, Glen Mills is the first place requiring conformance with firm rules about behavior. For many, the experience at Glen Mills is the first time in a long time that anyone even tried to enforce pro-social behaviors and to hold students accountable if they tried to continue the behaviors that brought them to Glen Mills. Predictably, while many students did embrace the positive future and the opportunities that Glen Mills offered them, others did not, and left Glen Mills embittered that the school did not simply look the other way when they tried to continue prior behaviors.

But what cannot be denied, and what is absent from recent media reports and Department findings, is that Glen Mills succeeds, and it does so spectacularly. This is what one student wrote to his teacher/counselor as he was being forced from Glen Mills in the swirl of recent events:

2/27/19

Reggie Owens

I don't even know how to start this letter off, you made me realize reality. It's not nothing that I will be able to do to repay you, Darryl, & Gill. I am going to make you proud though, by doing what I have to do. When I eventually go home, it is going to feel funny for A long time being away from you. Even though I have a

Dad and A stepdad, I still look at you as my Dad or uncle. I apologize for all the stuff I used to do, and cause you to have to do tons of paperwork. I was never blind to none of that stuff I did, but trust me if I can take it back I would. You never turned your back on me, and most of my family did. That mean everything to me, I would never forget you at all. You the definition of a man, I want to be just like you, but I don't want to work in this field. I would've been killed me. I am going to get a job at Lower Merion golf course. John Votes said he was going to get the job for me, and Darryl Barber is going to help me with some stuff. I am hurt that I have to leave. It took everything in me not to run from my problems. I am just going to stand up and do my time. I am going to keep in contact with you. I am going to call you personally once I get settled at my next destination. I send my love to you, stay healthy my guy. This my mom's number you can call or text her and she will give me your number.

Peace Ab...

When this young man went to court to ask his judge to allow him to remain at Glen Mills, his own lawyer opposed his request. He is now “doing his time” at a state delinquent facility, and his dreams of a better life and a career working in golf may well be over.

GROUNDS FOR APPEAL

Despite its own inspections history, the Department claims it has suddenly unearthed rampant abuse and regulatory violations warranting issuance of an Order for Emergency Relocation. The Department’s March 25, 2019 Order is based on 55 Pa. Code §20.37, which permits removal action, but only when there is “evidence of gross incompetence, negligence, misconduct in operating the facility or agency, or mistreatment or abuse of clients, likely to constitute an immediate and serious danger to the life or health of the clients.”

Any finding that Glen Mills has violated this provision must be based on substantial evidence. *See, e.g., Barrot v. Dep’t of Human Servs.*, 2018 WL 2945123, *2 n.4 (Pa. Commw. 2018) (applying substantial evidence standard in section 20.37 case); 2 Pa.C.S. §704 (stating

substantial evidence standard). “Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Chartiers Cnty. Mental Health Ctr. v. Unemp. Comp. Bd. of Review*, 134 A.3d 1165, 1170 n.2 (Pa. Commw. 2016). It “must be something more than scintilla creating mere suspicion of existence of fact and must be such relevant evidence as reasonable minds might consider adequate to support conclusion.” *Barnes v. Dep’t of Justice*, 452 A.2d 593, 595 (Pa. Commw. 1982). “The rule of substantial evidence is one of fundamental importance and is the dividing line between law and arbitrary power,” as “otherwise our vaunted system of justice would rest upon nothing higher than arbitrary edicts of its administrators.” *Pa. State Bd. of Medical Ed. & Licensure v. Schireson*, 61 A.2d 343, 346 (Pa. 1948).

Under these standards, the March 25, 2019 Order must be set aside, as it is not supported by substantial evidence. The findings by the Department set forth in that Order lack such evidentiary support. Glen Mills responds to those individual findings as follows:

1. *Page 3, first paragraph:*¹ The narrative makes reference to “anonymous written complaints” that served as the fundamental basis for the Department’s Order. The Order does not include copies of these letters, does not describe their contents except in vague terms, and does not identify the location or source of these letters. On March 29, 2019, Glen Mills formally requested that the Department supply it with copies of the letters. The Department refused. As a result, Glen Mills is left with no option but to dispute both the existence and veracity of the letters and their contents and demand proof of their existence and content at a hearing.

¹ As the findings in the Order are not numbered, Glen Mills provides a description matching each finding, for reference.

2. *Page 3, first finding citing 3800.32(b)*: This refers to “a child” who was “choked by staff” but provides no detail as to date, time, or location of the alleged incident and no information as to the identity of the alleged perpetrator(s) or the alleged victims. As written, this finding is so vague and non-specific that it deprives Glen Mills of any fair notice of the charge and makes it impossible for Glen Mills to identify what happened or who was involved – if the incident happened at all. Based on this inadequate notice, Glen Mills is left with no option but to deny the allegation and demand once again that the Department provide details that it intends to prove with evidence at a hearing.

3. *Page 3, second finding citing 3800.32(b)*: Glen Mills’ understanding is that this accusation has been converted to an investigation of suspected child abuse and that, as such, it is still pending. The finding states that the Department’s investigation has been concluded. This is news to Glen Mills, as it is the first time the Department has shared this information. The facts are that two students were making a late afternoon snack of peanut butter and jelly and began squabbling verbally over a packet of jelly. The incident never turned physical and never seemed that it would. Staff members who were immediately present calmed the dispute and both students apologized and moved on. Within a few moments, without warning, one student sucker-punched the other in the face twice, breaking his jaw. Glen Mills staff saw no indication leading up to the punch that the dispute had not been resolved and instantly moved to separate the two students. Glen Mills has no information suggesting that staff did not behave appropriately and disputes this Department finding. Glen Mills again demands that the Department reveal any information it may have – and which it is continuing to keep secret from Glen Mills – to the contrary.

4. *Page 3, third finding citing 3800.32(b)*: This refers to “a child” who was allegedly assaulted by staff causing an injury to his eye. However, the finding provides no detail as to a date, time, location, or the identities of the alleged perpetrator or the alleged victim. As written, this finding is so vague and non-specific that it deprives Glen Mills of fair notice of the charge and makes it impossible for Glen Mills to identify what happened or who was involved – assuming the incident happened at all. Based on this inadequate notice, Glen Mills is left with no option but to deny the allegation and demand once again that the Department provide details that it intends to prove with evidence at a hearing.

5. *Page 3, fourth finding citing 3800.32(b)*: This refers to “a child” who was allegedly “choked by three staff and then slammed to the floor,” causing the child to sustain a hurt neck and migraine headaches. The finding provides no detail as to a date, time, location, or the alleged perpetrator or victim. As written, this finding is so vague and non-specific that it deprives Glen Mills of fair notice of the charge and makes it impossible for Glen Mills to identify what happened or who was involved – if the incident happened at all. Based on this inadequate notice, Glen Mills is left with no option but to deny the allegation and demand once again that the Department provide details that it intends to prove with evidence at a hearing.²

6. *Page 3, fifth finding citing 3800.32(b)*: This refers to “a child” who was allegedly “punched in the chest for not listening.” The finding provides no detail as to a date, time, location, or information as to the identity of the alleged perpetrator or victim. As written, this finding is so vague and non-specific that it deprives Glen Mills of any fair notice of the charge and makes it impossible for Glen Mills to identify what happened or who was involved – if the incident happened at all. Based on this inadequate notice, Glen Mills is left with no option but to

² The Department made this finding without interviewing anyone at Glen Mills, and as such violated appropriate fact-finding procedures.

deny the allegation and demand once again that the Department provide details that it intends to prove with evidence at a hearing.

7. *Page 3, sixth finding citing 3800.32(b)*: This refers to “a child” who was allegedly “punched … in the face, causing a laceration to his lip.” The finding provides no detail as to a date, time, location, or information as to the identity of the alleged perpetrator or victim. As written, this finding is so vague and unspecific that it deprives Glen Mills of any fair notice of the charge and makes it impossible for Glen Mills to identify what happened or who was involved – if the incident happened at all. Based on this inadequate notice, Glen Mills is left with no option but to deny the allegation and demand once again that the Department provide details that it intends to prove with evidence at a hearing.

8. *Page 3, seventh finding citing 3800.32(b)*: This refers to “a child” who was allegedly “punched … in the chest two to three times and in the forehead.” The finding provides no detail as to a date, time, location, and no information as to the identity of the alleged perpetrator or victim. As written, this finding is so vague and non-specific that it deprives Glen Mills of any fair notice of the charge and makes it impossible for Glen Mills to identify what happened or who was involved – if the incident happened at all. Based on this inadequate notice, Glen Mills is left with no option but to deny the allegation and demand once again that the Department provide details that it intends to prove with evidence at a hearing.

9. *Page 4, first finding citing 3800.32(c)*: Glen Mills hereby incorporates its response 1, above.

10. *Page 4, second finding citing 3800.32(c)*: Glen Mills hereby incorporates its response 4, above.

11. *Page 4, third finding citing 3800.32(c):* Glen Mills denies this finding. The facts involved in this finding are that on March 23, 2019, the City of Philadelphia announced that it intended to remove all of its students from placement at Glen Mills and that court hearing would be scheduled for each student for this purpose. The next day, attorneys from the Public Defender's office came to the campus and met privately with each student and announced that the removal hearings would occur during the following week. After these interviews, several students who were unhappy with what the Defenders announced approached Glen Mills staff and complained that they did not want to be sent to other placements and that they wanted to stay at Glen Mills. As it seemed that the students' own wishes were being ignored, Glen Mills offered all students a simple written statement expressing their wishes. In presenting these statements, students were told the statements were available to be signed and that, if signed, Glen Mills would hand deliver a copy to the students' judges, lawyers, and the District Attorney's office so that the students' wishes could be voiced in the courtrooms. All students were told that signing or not was entirely voluntary and intended only to assure that the student's own wishes could be presented in court. Of the 49 students who were offered the statements, 28 signed and 21 did not. No student was threatened or pressured to sign. Significantly, students such as Ab., whose letter is quoted above, signed the statement and, as feared, had his wishes ignored in court by the Public Defender's Office lawyers. Contrary to the Department's present assertion, offering the statement was not in violation of student rights – it was a vindication of those rights. The students had the right to voice their wishes, whatever they were, and those wishes should have been acknowledged and respected. Glen Mills had no part in the denial of their rights.

12. *Page 4, fourth finding citing 3800.32(c):* This allegation repeats the allegation made in Response 5, above. Glen Mills incorporates its Response 5 here.

13. *Page 4, fifth finding citing 3800.32(c):* This allegation repeats the allegation made in Response 6, above. Glen Mills incorporates its Response 6 here.
14. *Page 4, sixth finding citing 3800.32(c):* This allegation repeats the allegation made in Response 7, above. Glen Mills incorporates its Response 7 here.
15. *Page 4, seventh finding citing 3800.32(c):* This allegation repeats the allegation made in Response 8, above. Glen Mills incorporates its Response 8 here.
16. *Page 4, eighth finding citing 3800.32(k):* This allegation repeats the allegation made in Response 5, above. Glen Mills incorporates its Response 5 here.
17. *Page 4, ninth finding citing 3800.32(n):* This allegation repeats the allegation made in Response 2, above. Glen Mills incorporates its Response 2 here.
18. *Page 4, tenth finding citing 3800.32(n):* This allegation repeats the allegation made in Response 4, above. Glen Mills incorporates its Response 4 here.
19. *Page 5, first finding citing 3800.32(n):* This allegation repeats the allegation made in Response 5, above. Glen Mills incorporates its Response 5 here.
20. *Page 5, second finding citing 3800.32(n):* This allegation repeats the allegation made in Response 6, above. Glen Mills incorporates its Response 6 here.
21. *Page 5, third finding citing 3800.32(n):* This allegation repeats the allegation made in Response 7, above. Glen Mills incorporates its Response 7 here.
22. *Page 5, fourth finding citing 3800.32(n):* This allegation repeats the allegation made in Response 8, above. Glen Mills incorporates its Response 8 here.

23. *Page 5, first narrative paragraph:* This refers to “interviews conducted with youth” that served as the basis for a determination by the Department that residents have been and continue to be subjected to physical mistreatment. The finding does not identify any dates, times, or locations for any of these alleged incidents, and does not identify any alleged perpetrators or any alleged victims. The same paragraph also refers to incidents in which staff encourages students to fight each other but does not identify any dates, times, locations and provides no detail as to the identities of alleged perpetrators or alleged victims. In the same paragraph, the Department claims to have identified evidence that students were denied timely medical care and treatment, but identifies no dates, times, locations and no details as to the identity of either alleged perpetrators or alleged victims. As written, the Department’s findings are so vague and unspecific that they deprive Glen Mills of any fair notice of the charges and make it impossible for Glen Mills to identify what happened or who was involved – if the incidents happened at all. Based on this inadequate notice, Glen Mills is left with no option but to deny these allegations and demand once again that the Department provide details that it intends to prove with evidence at a hearing.

24. *Page 5, third narrative paragraph:* This finding alleges a pervasive culture of intimidation in which “youth were told to lie” about their experiences. This finding does not identify any dates, times, locations and provides no detail as to the identities of alleged perpetrators or alleged victims. As written, this finding is so vague and non-specific that it deprives Glen Mills of any fair notice of the charge and makes it impossible for Glen Mills to identify what happened or who was involved – if the incident happened at all. Based on this inadequate notice, Glen Mills is left with no option but to deny the allegation and demand once again that the Department provide details that it intends to prove with evidence at a hearing.

25. *Page 6, second paragraph and finding citing 3800.32(b):* Glen Mills denies that any rights were violated in this incident. The facts involved are that a student was injured and that both Pennsylvania and California representatives investigated what occurred. Both states' representatives determined that there were so many different versions of what happened that no determination could be made about how the injury occurred. The student involved told investigators that "nothing happened." Glen Mills demands that, if the Department has changed its conclusion about this incident, that it reveal what new evidence has surfaced and demands proof of its finding at a hearing.

26. *Page 6, third paragraph and finding citing 3800.55(a):* Glen Mills denies that it was in violation of any regulation regarding staff ratios. Several years ago, the Department cited Glen Mills for a similar violation and Glen Mills asserted that the Department had previously granted a waiver of its staffing regulations in favor of the alternative methods of supervision that had existed at Glen Mills for years. To protect its rights, Glen Mills appealed the Department's violation notice, and also filed a new waiver request. Glen Mills later withdrew its appeal and entered into an agreement with the Department that the Department would not strictly enforce the regulations until the parties had concluded negotiations on the terms of a waiver, so long as Glen Mills maintained its long-standing practice of staffing its campus. Those negotiations have not concluded, and the agreement remains in force. On the date of this alleged violation, Glen Mills had staffed its campus as it always had and was in full compliance with its agreement with the Department.³

³ Glen Mills disputes the subject allegations for purposes of this submission, but notes that it previously submitted a plan of correction in this regard in an effort to cooperate with the Department. The disputes stated herein should not be construed to contradict the plan of correction; Glen Mills stands by the plan of correction. Similarly, other allegations disputed herein are subjects of plans of correction and also should not be understood as contradicting any plan of correction.

27. *Page 6, third finding citing 3800.1:* Glen Mills does not dispute the fact that an incident occurred on July 18, 2018 in which a staff person (identified here as “CM”) used an unwarranted restraint that created a risk of injury. However, Glen Mills does dispute allegations that the student was actually injured in any way, that staff other than CM perpetrated any form of abuse, or that they failed to stop the abuse for “unreasonable periods of time.” The student reported he was not injured to multiple staff members the evening of July 19, 2018. During a full medical exam the next day, he stated that the only effect of the incident was that his back hurt a “little.” Over the next few days, he appeared on video moving, walking, sitting and standing with no impairment of any kind. A Department investigator interviewed and examined the student within 48 hours of the incident and, at the end of the interview, called for no medical attention or other intervention. Finally, Glen Mills denies the allegation that staff did not intervene to halt abuse for an “unreasonable” period. The improper restraint by CM was spontaneous and completely unpredictable, so it could not have been stopped by staff before it began. And those staff members quickly acted to stop the restraint.

28. *Page 7, first finding citing 3800.15(a):* Glen Mills denies that it violated any regulations relating to mandated reporting of suspected abuse. On the contrary, supervisory staff reported the incident after reviewing video footage of the incident and realizing that the video footage contradicted what staff had reported about the incident. The facts are as follows. On July 17, 2018, staff and students were engaged in a guided group intervention when a verbal altercation began between one student and one staff member, CM. That verbal altercation resulted in an improper restraint of the student by CM.⁴ When that restraint ended, CM took the

⁴ It should be noted that CM was immediately fired as a result of his actions, as were two other counselors. Glen Mills called the Pennsylvania State Police about the incident. Glen Mills provided

student upstairs to an area where other students were not present and the incident continued. During this latter portion of the incident, CM continued his improper treatment of the student. When the supervisor who was on duty that evening entered the area, he immediately pushed CM away from the student in an effort to protect the student. The supervisor was not present for the initial restraint and did not know what had happened. When the supervisor later questions CM about what happened, CM reported only that he had restrained the student but did not admit that the restraint had been improper in any way. Later that evening, after spending more than an hour calming the student and making sure he was not injured, the supervisor was able to complete his duties and actually watch the video of the initial restraint. When he did, he realized that he needed to call the Child Abuse hotline and report the incident. He did so early the next morning when he returned to work. This was approximately 12 hours after he viewed the video. When he did, the supervisor believed he was reporting “the incident” including all aspects of it. As provided in the Child Protective Services Law, no institution is required to provide more than one report. *See* 23 Pa.C.S. §6311(c). As required, the Department sent an investigator to interview the student the next day, less than 48 hours after the incident. That interview occurred in private with only the student and the investigator attending. Neither Glen Mills nor its staff were present during the interview and reasonably assumed that the investigator had had the opportunity to question the student about the entire incident. Glen Mills had no way of knowing whether the investigator had or had not obtained information about the entire incident but believed that by making the report on the first day, they had fulfilled their mandatory reporting obligations.

video to the Pennsylvania State Police, and Glen Mills’ employees testified on behalf of the Commonwealth at CM’s hearing.

29. *Page 7, second finding citing 3800.32(b)*: This citation repeats facts alleged in the two preceding citations. Glen Mills hereby incorporates its response in number 27 and 28 here.

30. *Page 7, fourth finding citing 3800.32(l)*: Glen Mills disagrees that it denied the rights of any of the juveniles who witnessed the initial restraint involved in this incident. First, the citation presumes that the improper restraint by CM was a normal occurrence that the students must have been used to observing. No evidence exists to support such a contention. If it did, that evidence would be readily available and the video surveillance footage from the cameras that showed the improper CM restraint would be filled with similar incidents. No such evidence exists. Furthermore, the program where the incident occurred was a pre-hearing detention program where students remained for relatively short periods of time. For the period from January 1, 2018 through the date of the incident, the average length of stay in the program was 19.9 days and the students there did not ever mix with or intermingle with students on the rest of the Glen Mills campus. Thus, there is no evidence to support a contention that the improper restraint was a common occurrence in that program and there is no evidence possible that those students observed this type of event anywhere else on the campus.

31. *Page 7, fifth finding citing 3800.32(n)*: Glen Mills does not deny that the student involved was subjected to disrespectful and potentially dangerous discipline by one of its former staff members who acted spontaneously, unforeseeably, and in a manner that was inconsistent with his training and the policies and practices of Glen Mills. Glen Mills also admits that a second staff person, despite efforts by his supervisor to end the behavior, improperly screamed at the student in an improper attempt to control the student's behavior. For reasons previously stated, Glen Mills disputes that other staff behaved in any way improperly during this incident.

32. *Page 7, sixth finding citing 3800.53(b)*: Glen Mills disputes that the “director” failed to act so as to ensure the safety of students on the campus. The director is an experienced child welfare professional and advocate with nearly 40 years of service and advocacy to youths in the juvenile justice system. During those years, both he and the school he dedicated his life to have received praise and awards from every corner of the state and the country. More importantly, and as the Department’s own inspections demonstrated, the director worked ceaselessly and succeeded in creating systems improvements that gave his staff newer and better tools to address the increasingly difficult and aggressive behaviors of students at Glen Mills.

33. *Page 7, seventh finding citing 3800.148(b)*: Glen Mills denies that it delayed or failed to provide appropriate medical treatment to the young man involved in this incident. Staff made immediate and repeated inquiries to him about whether he required treatment and he denied that he did. As a matter of policy, he was fully examined the next day by a registered nurse and a physician and his only complaint at the time was that his back hurt. Later that day, the student was videotaped actively and easily moving about the program with no pain or impairment. He was even videotaped easily and actively moving heavy wooden furniture, walking, sitting, and standing with no physical limitation. The next day, July 21, 2018, he was interviewed and examined by a Department investigator. At the time the investigator arrived on campus, the student was actively involved in playing basketball with other students. He apparently reported no injury or pain or impairment to the Department’s investigator because she left the campus without reporting any physical problem and without requesting any further medical treatment or intervention. Glen Mills demands proof of this allegation at a hearing.

34. *Page 8, first finding citing 3800.202(a)*: Glen Mills admits that when CM initiated a physical restraint, it was improper to do so. However, Glen Mills denies that the

restraint techniques used by other staff were in any way improper. Once the student was involved in a restraint and aggressively resisting, kicking at staff and trying to pull away, it was reasonable for other staff to view him as being a threat to himself or others, thus justifying a restraint. The fact that the restraint may have begun improperly does not negate the legitimacy of the actions of other staff. Once the student presented a risk of harm to himself or others, staff had not only the right but the duty to assure that no further harm occurred. That is what they did.

35. *Page 8, second finding citing 3800.202(a)*: This citation repeats the facts also alleged in connection with responses 28 and 29, above. Glen Mills hereby incorporates responses 28 and 29 here.

36. *Page 8, third finding citing 3800.202(c)(1), (2)*: Glen Mills does not dispute that the initiation of a physical restraint by CM was improper. However, Glen Mills disputes that the student in question was “not acting out … aggressively.” Eyewitness accounts report that the student was aggressively verbally threatening physical harm to staff who challenged his behavior and that those threats are what prompted the physical reaction by CM. While Glen Mills concedes that further verbal de-escalation techniques were appropriate, it disagrees that if a student openly and defiantly threatens physical harm to staff, that such threats are not considered aggression. They are, especially in a group setting where such threats, if unaddressed, could easily spark similar and escalating defiance by others in the group, directly risking chaos and a catastrophe for everyone involved.

37. *Page 8, fourth finding citing 3800.211(b)*: Glen Mills disputes that the video evidence shows any time in which any staff, including CM ever choked the student.

38. *Page 8, fifth finding citing 3800.32(n)*: Glen Mills does not dispute the occurrence or inappropriateness of actions described herein. It does dispute any suggestion that

the actions of this staff person were known to the school or sanctioned by it. They were not. When his actions were discovered, Glen Mills immediately fired him and reported his actions to the Department. As part of its ensuing investigation, the Department privately interviewed almost 80 students to determine if they were safe and if their rights were being protected and concluded that they were.

39. *Page 8, sixth finding citing 3800.33(b)*: This citation repeats assertions made in connection with response 27, above. Glen Mills hereby incorporates its response 27 here.

40. *Page 8-9, seventh finding citing 3800.15*: Glen Mills disputes that it, or any of its “senior staff” failed in any way to report suspected child abuse. Glen Mills does not dispute the fact that on June 8, 2017, a student was involved in a restraint and subsequent fight during which the student sustained a broken jaw. But it is also a fact that when a court heard the student’s testimony about how he sustained that injury, the court found the student to be not credible. What the court did conclude, almost entirely based on the student’s own sworn account of the incident, was that the incident began when a staff person⁵ either slapped or attempted to slap the student. Once that happened, the student testified, he rose to his feet and immediately began punching and kicking the person who tried to slap him. The student then testified that two other staff people then attempted to restrain him and that he refused to be restrained and began punching and kicking those staff people as well. At the end of the testimony, the court concluded that the incident represented “mutual combat” and that it was impossible to know how the student sustained his injury, whether from a punch or an accidental fall against a piece of furniture. At the end of this testimony, the court acquitted the two staff of assaulting the student.

⁵ Immediately upon learning of the incident, Glen Mills terminated the staff person involved in this incident. In addition, after an appropriate investigation, all of the other Glen Mills staff members who were working in the building at the time of the incident were also terminated. The incident and all relevant information relating to it were reported to the Pennsylvania State Police.

On the night of the incident, the student was coerced into lying about what happened to him and reported to senior staff that he had fallen accidentally against a table. That night, this was the only report of the incident that senior staff had. In addition, senior staff was told that the student appeared to have no injury and that he had eaten a sandwich, further suggesting that he was not injured and that the only ill effect of his accidental fall was a slightly sore jaw. Based on these reports, when staff asked if the incident should be reported to ChildLine, the supervisor who answered had no reason to suspect that the student had been abused – all his information suggested that there had been a physical restraint and an accidental fall with no serious injury, nothing more – based on this information, the supervisor concluded that no report was necessary. That judgment was entirely appropriate under the circumstances based on the information available to him. The supervisor's judgment changed the next morning, when he saw the student and realized that his injuries appeared worse than had been reported. That supervisor immediately instructed his subordinate to report the incident to ChildLine, thus fulfilling his and the school's mandated reported obligations.

41. *Page 9, first finding citing 3800.32(b):* This finding involves the same incident reported in responses 27 and 28, above. Glen Mills hereby incorporates its responses 27 and 28 here. In addition, Glen Mills disputes that there was anything improper in the senior staff person's instructions to treat the student's injured jaw with ice. This was the instruction given to staff by the school's nurse, who was called to determine what treatment, if any, was appropriate. After hearing that the student was speaking without difficulty and eating without difficulty but complaining of a sore jaw, the nurse told staff to apply ice to the injured area and bring the student in for a full physical examination the next morning. After learning of these instructions,

the senior staff person did nothing more than tell staff to follow the nurse's orders. The senior staff's actions in this regard did not in any way violate any regulation.

In addition, Glen Mills disputes that the Department has credible evidence supporting its contention that the student's injuries occurred as the result of "a physical assault by two staff." Only one trier of fact has fully considered the evidence that might support that contention and that trier of fact concluded that the student's account was not credible. Presumably the Department has no more evidence than what was presented in court and no additional basis for establishing the student's credibility. Thus, to the extent that the Department's finding rests on the student's account, that finding is not supported by credible evidence and is contradicted by a judicial finding.

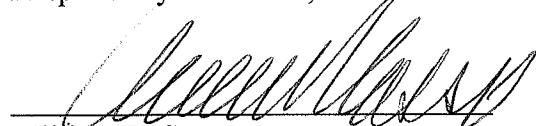
42. *Page 9, third finding citing 3800.32(k):* This finding repeats assertions made in connection with responses 27 and 28, above. Glen Mills hereby incorporates responses 27 and 28 here.

CONCLUSION

The Department's issuance of the March 25, 2019 Order for Emergency Relocation lacks any substantial or credible basis under 55 Pa. Code §20.37 or otherwise. Glen Mills therefore requests that the Order be reversed and vacated and that Glen Mills be awarded any and all other relief as may be warranted under the circumstances.

Glen Mills fully reserves and does not waive any and all of its rights with regard to this matter, including the right to amend this submission to include additional matters and issues as information and documents withheld by the Department are disclosed.

Respectfully submitted,



William R. Sasso
Joseph J. McHale
Karl S. Myers
PA ID Nos. 15890, 65706 and 90307
STRADLEY RONON STEVENS & YOUNG, LLP
2005 Market Street, Suite 2600
Philadelphia, PA 19103
215.564.8000
215.564.8120 facsimile
wsasso@stradley.com
jmcchale@stradley.com
kmyers@stradley.com

Guy P. Vilim
Pa. Id. No. 42633
The Law Office of Guy Vilim, LLC
11 South Olive Street, 2nd Floor
Media, PA 19063
610.566.0711
610.566.7711 facsimile
gvilim@vilimlaw.com

Counsel for Appellant/Petitioner,
The Glen Mills Schools

Dated: April 4, 2019

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS**

IN THE MATTER OF:

THE GLEN MILLS SCHOOLS,

Appellant/Petitioner,

v.

DEPARTMENT OF HUMAN SERVICES,
COMMONWEALTH OF PENNSYLVANIA,

Appellee/Respondent.

Docket No. _____

VERIFICATION

I, Christopher R. Spriggs, Assistant Executive Director of the Glen Mills Schools, hereby state that I am an authorized representative of Glen Mills, and I verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that the statements are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Christopher R. Spriggs

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HUMAN SERVICES
BUREAU OF HEARINGS AND APPEALS**

IN THE MATTER OF:

THE GLEN MILLS SCHOOLS,

Appellant/Petitioner,

v.

DEPARTMENT OF HUMAN SERVICES,
COMMONWEALTH OF PENNSYLVANIA,

Appellee/Respondent.

Docket No. _____

CERTIFICATE OF SERVICE AND FILING

I, Karl S. Myers, hereby certify that I have this day caused one (1) original and two (2) copies of the foregoing *Appeal and Petition* to be filed with the following:

Via Hand Delivery:

Raheemah Shamsid-Deen Hampton
Southeast Regional Office of Children, Youth
and Families
Pennsylvania Department of Human Services
801 Market Street, Suite 6112
Philadelphia, PA 19107

Via Hand Delivery and Facsimile:

Bureau of Hearings and Appeals
Department of Human Services
801 Market Street, Suite 5005
Philadelphia, PA 19107
Facsimile: 215.560.2378

Via Hand Delivery and Facsimile:

Bureau of Hearings and Appeals
Department of Human Services
2330 Vartan Way, Second Floor
Harrisburg, PA 17110
Facsimile: 717.772.2769

I also hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding in accordance with the requirements of §33.32 (relating to service by a participant) by mailing a copy, properly addressed with postage prepaid, and transmitting it via facsimile as follows:

Cathy A. Utz
Deputy Secretary for Children, Youth and Families
Pennsylvania Department of Human Services
P.O. Box 26751
Harrisburg, PA 17105-2675
Facsimile: 717.787.0414

Dated this 4th day of April, 2019.


Karl S. Myers

A



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

March 25, 2019

Mrs. Carolyn Seagraves, 2nd Vice President
The Glen Mills Schools
185 Glen Mills Road
Glen Mills, Pennsylvania 19342

RE: Glen Mills Schools – 14 Licensed Facilities
185 Glen Mills Road
Glen Mills, PA 19342

Dear Mrs. Seagraves:

Please be advised that as a result of the Department of Human Services' (department) investigations between December 2018 and March 19, 2019, the department has made the decision to issue an Emergency Removal Order requiring that all residents at Glen Mills Schools' Licensed Facilities be removed.

The department's decision to take this action is outlined in the attached documentation and should be carefully reviewed as it is a matter of urgent notice such that the removal and relocation of residents from the child residential facilities be completed in a safe, timely and orderly fashion.

Sincerely,

Cathy A. Utz
Deputy Secretary

Enclosure:
Order for Emergency Relocation

c: Christopher Spriggs, Assistant Executive Director
Raheemah Shamsid-Deen Hampton



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

ORDER

And now this 25th day of March 2019, pursuant to 55 Pa. Code § 20.37, the Commonwealth of Pennsylvania, Department of Human Services, hereby determines that the conditions existing at fourteen (14) licensed facilities located at:

Glen Mills Schools
185 Glen Mills Road
Glen Mills, PA 19342

as described in Attachment A, constitute gross incompetence, negligence and misconduct in operating a facility, including mistreatment and abuse of clients, likely to constitute immediate and serious danger to the life or health of the children in care.

Accordingly, it is hereby ordered that the residents be relocated from the child residential facility as promptly as can be safely accomplished.

Attachments:

Attachment A – Findings

Cathy A. Utz
Cathy A. Utz
Deputy Secretary

FINDINGS**FACILITY AND LICENSE NUMBER:**

BUCHANAN HALL I UPPER	113050
BUCHANAN HALL II LOWER	113060
CHESTER ARTHUR HALL	136000
HAYES HALL	112880
JACKSON POLK HALL	112980
JEFFERSON FILLMORE HALL	112960
JOHNSON HALL I	112890
JOHNSON HALL II	113010
LINCOLN HALL	112920
MADISON HALL	112940
MCKINLEY HALL	137300
TAYLOR HALL	112860
TYLER HALL	113020
VAN BUREN HALL	113030

LEGAL ENTITY: Glen Mills Schools
185 Glen Mills Road
Glen Mills, PA 19342

The Department of Human Services (“department”), Southeast Region Office of Children, Youth and Families (“OCYF”) staff commenced an investigation in January 2019 at the above named licensed facilities of Glen Mills School (“Glen Mills”), located at 185 Glen Mills Road, Glen Mills, PA 19342. The investigation involves allegations of abuse sustained by children while under the care of Glen Mills staff.

Additionally, in June of 2018, the department's OCYF staff initiated a targeted site visit focused solely on conducting resident interviews in an effort to assess accusations that an underlying culture of abuse existed within the facility. This visit followed a series of anonymous written complaints alleging staff were mistreating and being aggressive with residents. One allegation claimed staff in one of the facilities cut residents' hair as a form of punishment. The interviews focused on the use of restraints by staff, the residents' relationships with staff, how residents are helped by staff to reach their goals and how safe residents feel at Glen Mills.

As a result of the ongoing investigations, OCYF representatives verified the following violations of the department's regulations for child residential and day treatment facilities, pursuant to 55 Pa. Code Chapter 3800:

- 3800.32(b), relating to Specific Rights. An investigation commencing on March 13, 2019 determined that a child was choked by staff, then he was pushed against a wall, causing his head to hit the wall.
- 3800.32(b), relating to Specific Rights. An investigation commencing on March 6, 2019 determined that staff failed to intervene to protect a child from another resident resulting in the child suffering a broken jaw.
- 3800.32(b), relating to Specific Rights. An investigation commencing on February 15, 2019 determined that a child was assaulted by a staff person causing an injury to his eye. The child was then coerced into saying that his injury was a result of playing basketball.
- 3800.32(b), relating to Specific Rights. An investigation commencing on March 13, 2019 determined that a child was choked by three staff and then slammed to the floor, causing the child to hurt his neck. The child expressed that he suffered migraines as a result of the incident.
- 3800.32(b), relating to Specific Rights. An investigation commencing on March 2, 2019 determined that a staff person punched a child in the chest for not listening to the staff person.
- 3800.32(b), relating to Specific Rights. An investigation commencing on February 22, 2019 determined that a staff person punched a child in the face, causing a laceration to his lip.
- 3800.32(b), relating to Specific Rights. An investigation commencing on February 22, 2019 determined that a child was punched by staff in the chest two to three times, and once in the forehead.

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- 3800.32(c), relating to Specific Rights. An investigation commencing on March 13, 2019 determined that a child was choked by staff, then he was pushed against a wall, causing his head to hit the wall.
- 3800.32(c), relating to Specific Rights. An investigation commencing on February 15, 2019 determined that a child was assaulted by a staff person causing an injury to his eye. The child was then coerced into saying that his injury was a result of playing basketball.
- 3800.32(c), related to Specific Rights. A child disclosed on March 13, 2019 that he was asked to sign a document for court stating that he wished to remain at Glen Mills if he could not be sent home.
- 3800.32(c), relating to Specific Rights. An investigation commencing on March 13, 2019 determined that a child was choked by three staff and then slammed to the floor, causing the child to hurt his neck. The child expressed that he suffered migraines as a result of the incident.
- 3800.32(c), relating to Specific Rights. An investigation commencing on March 2, 2019 determined that a staff person punched a child in the chest for not listening to the staff person.
- 3800.32(c), relating to Specific Rights. An investigation commencing on February 22, 2019 determined that a staff person punched a child in the face, causing a laceration to his lip.
- 3800.32(c), relating to Specific Rights. An investigation commencing on February 22, 2019 determined that a child was punched by staff in the chest two to three times, and once in the forehead.
- 3800.32(k), relating to Specific Rights. An investigation commencing on March 13, 2019 determined that a child was choked by three staff and then slammed to the floor, causing the child to hurt his neck. The child expressed that he suffered migraines as a result of the incident.
- 3800.32(n), relating to Specific Rights. An investigation commencing on March 13, 2019 determined that a child was choked by staff, then he was pushed against a wall, causing his head to hit the wall.
- 3800.32(n), relating to Specific Rights. An investigation commencing on February 15, 2019 determined that a child was assaulted by a staff person causing an injury to his eye. The child was then coerced into saying that his injury was a result of playing basketball.

- 3800.32(n), relating to Specific Rights. An investigation commencing on March 13, 2019 determined that a child was choked by three staff and then slammed to the floor, causing the child to hurt his neck. The child expressed that he suffered migraines as a result of the incident.
- 3800.32(n), relating to Specific Rights. An investigation commencing on March 2, 2019 determined that a staff person punched a child in the chest for not listening to the staff person.
- 3800.32(n), relating to Specific Rights. An investigation commencing on February 22, 2019 determined that a staff person punched a child in the face, causing a laceration to his lip.
- 3800.32(n), relating to Specific Rights. An investigation commencing on February 22, 2019 determined that a child was punched by staff in the chest two to three times, and once in the forehead.

Based on interviews conducted with youth currently and formerly placed at Glen Mills, the department determined that residents have been and continue to be subjected to physical harm as a result of being slapped, punched, and stricken by staff. In addition, youth are encouraged by staff to engage in physical altercations with peers that has resulted in injuries to youth and staff have failed to intervene in these altercations. Moreover, staff at Glen Mills have failed to seek necessary medical treatment for youth as a result of injuries sustained during altercations with both staff and their peers.

Glen Mills operates under a culture of intimidation as evidenced by a request that youth from Philadelphia County sign a facility developed document which was to be presented during an upcoming court hearing which stated that the youth wanted to remain at Glen Mills. Youth were informed that failure to sign the document would result in their court commitment starting over which would result in their remaining in placement for an extended period of time.

Information gathered during interviews of former and current youth placed at Glen Mills verifies that a culture of intimidation and coercion is pervasive at Glen Mills and that youth were told to lie about the care they received and the physical mistreatment they endured while placed at Glen Mills.

These findings verify that Glen Mills failed to protect the youth entrusted to its care, placed youth at risk of serious physical injury, permitted youth to sustain physical injuries by their acts and failure to act and Glen Mills engages in a culture that instills fear in youth through coercion and

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intimidation. As a result, we find that youth placed at Glen Mills are at imminent risk and their safety is in jeopardy.

Aside from the aforementioned allegations, the department has determined there is a correlation between these allegations and previously issued violations against Glen Mills' facilities. This correlation demonstrates that abuse and mistreatment of children in care continues to date.

Between January 19, 2019 and March 4, 2019, a representative of the department conducted a complaint inspection at Glen Mills' Madison Hall. As a result of the complaint inspection, the department confirmed violation of 55 Pa. Code Chapter 3800:

- 3800.32(b), relating to Specific rights. During the course of a Child Protective Services ("CPS") investigation, the investigator determined that a physical altercation occurred resulting in injuries to the child's face. As a result, the child's rights were violated while under the care of Glen Mills.

On October 16, 2018, a representative of the department conducted a complaint inspection at Glen Mills' Hayes Hall. As a result of the complaint inspection, the department confirmed violation of 55 Pa. Code Chapter 3800:

- 3800.55(a), relating to Child Care Worker. During the course of a complaint investigation, it was determined that on October 9, 2018 during the 3:30 p.m. to 11:30 p.m. shift there were five child care workers on the unit with 49 students. On October 9, 2018 an incident occurred where at least one student entered another student's room and took money from the student. The incident occurred at approximately 8:00 p.m.

Additionally, between July 19, 2018 and September 12, 2018, a representative of the department conducted a complaint inspection at Glen Mills' Johnson Hall II where an incident of suspected child abuse occurred. As a result of the complaint inspection, the department confirmed the following violations of 55 Pa. Code Chapter 3800:

- 3800.1. During the course of a CPS investigation a failure to protect the health, safety and well-being of youth occurred while under Glen Mills' care. During the course of the investigation, it was determined that a youth in care was physically abused by the actions of Child Care Residential Staff on July 19, 2018. The alleged abuse occurred in multiple locations in Johnson Hall II. Further, the investigation revealed that several staff observed the incidents and failed to stop the mistreatment and abuse for an unreasonable period of time while in close proximity to the two separate incidents. Video surveillance of the

incident demonstrates that no action or physical threat by the youth occurred to precipitate the need for physical intervention. The investigation also found that all youth who were observing the abuse appeared to watch as if it was normal behavior in the facility as they appeared to sit emotionless.

- 3800.15(a), relating to Child Abuse. In the course of the investigation, it was determined that staff failed to report a separate incident of abuse against a youth in care at Glen Mills. The incident, in a separate location in the facility was not reported until days later even when Child Care Residential Staff in close proximity observed the incident. These staff are Mandated Reporters. The initial incident of alleged mistreatment which happened downstairs in the facility was the only incident originally reported, whereas the second incident was reported days later during video replay.
- 3800.32(b), relating to Specific Rights. In the course of the investigation, it was determined that the youth was found to be abused, mistreated, harassed, threatened, and subjected to corporal punishment by multiple Child Care Residential staff during the first and second incidents when he was slapped, slammed on the floor, and punched. Video surveillance shows other staff observing the incident, but failing to intervene to protect the child.
- 3800.32(c), relating to Specific Rights. In the course of the investigation, it was determined that the youth in the care of the Glen Mills was treated without any level of respect and dignity during the two separate incidents with staff.
- 3800.32(l), relating to Specific Rights. In the course of the investigation, it was determined that all youth who observed were denied their right to rehabilitation and treatment by observing some of the abusive behavior by Child Care Residential staff during the initial incident.
- 3800.32(n), relating to Specific Rights. In the course of the investigation, it was determined that the youth was subjected to harassment, unreasonable restraint, unusual and an extreme form of discipline by more than one Child Care Residential staff while other residents and staff observed.
- 3800.53(b), relating to Director. In the course of the investigation, it was determined that the Director, the person responsible for the administration and management of the facility failed to ensure the safety and protection of youth placed at the facility and ensure that staff adhered to policies and procedures in compliance with Chapter 3800.
- 3800.148(b), relating to Health and Behavioral Health Services. In the course of the investigation, it was determined that Glen Mills failed to provide or delayed providing the appropriate medical treatment of the child's injuries which were sustained at the hands of Glen Mills staff. After he was discharged from Glen Mills, the child required additional treatment when he reported having a head injury and back pain.

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- 3800.202(a), relating to Appropriate Use of Restrictive Procedures. In the course of the investigation, it was determined that the staff used restrictive procedures in a punitive manner when the child was slammed to the floor and restrained.
- 3800.202(a), relating to Appropriate Use of Restrictive Procedures. In the course of the investigation, it was determined that the staff used restrictive procedures when there was no threat of the child injuring himself or others.
- 3800.202(c)(1), (2), relating to Appropriate Use of Restrictive Procedures. In the course of the investigation, it was determined that the staff failed to use any de-escalation technique or less intrusive technique as the child was speaking in a group setting and not acting out physically or aggressively.
- 3800.211(b), relating to Manual Restraints. In the course of the investigation, it was determined that the staff applied pressure to the child's airway, choking the child in a manner which restricted his breathing.

Further, on June 27, 2018, a representative of the department conducted a complaint inspection at Glen Mills' Hayes Hall. As a result of the complaint inspection, the department confirmed violations of 55 Pa. Code Chapter 3800:

- 3800.32(n), relating to Specific Rights. In the course of the investigation, it was determined that one staff member at Glen Mills (PM Senior Counselor) inappropriately gave 38 residents in Hayes Hall haircuts against their wishes after two students in Hayes Hall were absent without permission on Saturday June 23, 2018. Staff also removed the sofa cushions in Hayes Hall and forced the students to sit either on the ground or sofa without the cushions as punishment.
- 3800.33(b), relating to Prohibition Against Deprivation of Rights. In the course of the investigation, it was determined that 38 student's rights were used as a punishment in Hayes Hall. One staff member at Glen Mills gave 38 students haircuts because the students' peers were absent without permission. The investigators believe the haircuts occurred because the 38 students would not give information on the two students who were absent without permission. The haircuts were a form of punishment.

On June 8, 2017, a representative of the department conducted a complaint inspection as a result of suspected child abuse at Glen Mills' Tyler Hall Facility where a child received a broken jaw. As a result of the complaint inspection, the department confirmed violations of 55 Pa. Code Chapter 3800:

- 3800.15, relating to Child Abuse. In the course of the investigation, it was determined that two staff failed to report the allegations of abuse. After the investigation concluded, the

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department obtained information that a senior staff person of Glen Mills was made aware of the incident on June 8, 2017 where upon Glen Mills staff asked for guidance on whether to file a report to ChildLine. The ChildLine Report was not made until the following day.

- 3800.32(b), relating to Specific Rights. In the course of the investigation, it was determined that the child sustained serious bodily injury that resulted from a physical assault by two staff. After the investigation concluded, the department obtained information that a senior staff person of Glen Mills was made aware of the incident on June 8, 2017 and advised staff to obtain ice for the child.
- 3800.32(c), relating to Specific Rights. In the course of the investigation it was revealed that the youth on the unit were required to sit on the floor in an uncomfortable position for over 60 minutes as punishment for wrongdoing.
- 3800.32(k), relating to Specific Rights. In the course of the investigation, it was determined that the child sustained serious bodily injury that resulted from a physical assault by two staff and that staff failed to seek immediate medical treatment. After the investigation concluded, the department obtained information that a senior staff person of Glen Mills was made aware of the incident on June 8, 2017 and advised staff to obtain ice for the child. It was learned the following day that the child suffered a broken jaw as a result of the incident when he finally was taken to medical staff.
- 3800.32(n), relating to Specific Rights. In the course of the investigation it was revealed that the youth on the unit were required to sit on the floor in an uncomfortable position for over 60 minutes as punishment for wrongdoing.

The ongoing failure to protect the safety of children, ongoing failure to immediately report suspected abuse, failure to provide proper medical attention and repeated pattern of violations described above constitute gross incompetence, negligence and misconduct in operating a facility, including mistreatment and abuse of children, likely to constitute immediate and serious danger to the life or health of the children in care pursuant to 55 Pa. Code § 20.37.

If you disagree with the department's decision, you have a right to appeal through a hearing before the Bureau of Hearings and Appeals, in accordance with 1 Pa. Code Part II, Chpt. 31 - 35 (General Rules of Administrative Practice and Procedure). Your appeal must indicate the reasons for the appeal, and you must be as specific as possible regarding your areas of disagreement with the department's decision. If you decide to appeal, a written request for an appeal must be received within ten (10) days of the date of the Order by:

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Raheemah Shamsid-Deen Hampton
Southeast Regional Office of Children, Youth and Families
Pennsylvania Department of Human Services
801 Market Street, Suite 6112
Philadelphia, Pennsylvania 19107

This decision is final 11 days from the date of the Order, or if you decide to appeal, upon issuance of a decision by the Bureau of Hearings and Appeal.